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II – CULTURAL RESOURCES INFORMATION

INTRODUCTION

This subsection contains information on cultural resources. Cultural resources include historic, archaeological, architectural, historic engineering, traditional cultural properties, and historic and cultural landscapes. There are criteria of significance for cultural resources that NRCS must consider during program, project and conservation planning. The criteria for determining eligibility for listing in the National Register of Historic Places are found in 36 CFR Part 60. Federally significant historic properties are generally over 50 years old; but clearly not all properties of this age meet the significance criteria. This section includes a brief discussion of the nature and distribution of cultural resources across the State and a clear description of the cultural resources review process for the State. It also includes references to the NRCS General Manual (GM) chapter and State handbooks for guidance.

California's history has left its mark on the physical environment and the character of the State. Much remains from the past, creating a unique and rich pattern of historic resources. It is known for its diversity and has retained portions of its heritage represented by peoples from all over the globe.

The Native American population, covering 10,000 to 12,000 years of history, has left their mark in the many archeological sites and cultural landscapes that provide information about the Indian environment prior to European settlement.

The Spanish and Mexican era and its adobe buildings strongly portray the population's concepts and visions of the California period.

The arrival of the Yankees had a dramatic influence on California architecture before the Gold Rush. With the Gold Rush came new kinds of buildings and impacts upon the land.

With the linkage of California to the east by the completion of the transcontinental railroad came new possibilities of creating wealth and population growth. Agriculture, lumbering and commerce activities increased dramatically.

The twentieth century brought increasing urbanization and population growth. With this urbanization and population growth came architectural experimentation with the attempt to blend and maintain older residential and commercial areas.

World War II caused unprecedented rapid growth in population and defense-related business. Post WW II populations continued to grow in large suburban developments continually moving outwards from the older, established population centers.

The Comprehensive Statewide Historic Preservation Plan For California notes there is an increased appreciation in California for the cultural environment, but historic structures are being demolished, historic public records lost, archeological sites destroyed, and cultural traditions forgotten. It reminds us that the preservation of our cultural environment is the responsibility of all Californians. The State Plan then goes on to provide guidance and implementation for the identification, registration, protection, and preservation of important historical, resources.

National Historic Preservation Act (NHPA)

Nationally, the Advisory Council on Historic Preservation (ACHP) is an independent Federal agency that provides a forum for influencing Federal activities, programs, and policies as they affect historic resources. The goal of the National Historic Preservation Act (NHPA), which established the Council in 1966, is to have Federal agencies as responsible stewards of our Nation's resources when their actions affect historic properties. The Council is the only entity with the legal responsibility to balance historic preservation concerns with Federal project requirements.

As directed by NHPA, the Council:

- advocates full consideration of historic values in Federal decision-making;
- reviews Federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies; and
- recommends administrative and legislative improvements for protecting our Nation's heritage with due recognition of other national needs and priorities.

Section 106:

Of particular concern is Section 106 of NHPA, which requires each Federal agency to identify and assess the effects of its actions on historic resources. The responsible Federal agency must consult with appropriate State and local officials, Indian tribes, applicants for Federal assistance, and members of the public and consider their views and concerns about historic preservation issues when making final project decisions.

Effects are resolved by mutual agreement, usually among the affected State's State Historic Preservation Officer (SHPO) or the Tribal Historic Preservation Officer, the Federal agency, and any other involved parties. The Council may participate in controversial or precedent-setting situations.

Section 106 applies when two thresholds are met: there is a Federal or federally licensed action - including grants, licenses, and permits - and that action has the potential to affect properties listed in or eligible for listing in the National Register of Historic Places. Under the charge of Section 106 and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), the Council oversees the Section 106 review process and mediates in controversial cases. The Council:

- resolves situations where conflicts arise between planned Federal activities and local historic preservation goals, providing an indispensable service to State, tribal, and local governments as well as businesses, property owners, and concerned citizens;
- works with Federal agencies on programmatic solutions for integrating their missions and historic preservation needs;
- is the primary Federal policy advisor to the President and Congress; and
- provides essential training, guidance, and public information to make the Section 106 review process operate efficiently and with full opportunity for citizen involvement.

Other Council Activities:

In addition, the Council publishes a report to the President and Congress summarizing its annual activities, offers regular training programs on Federal projects and historic preservation laws, maintains a Web site, coordinates U.S. membership in the International Centre for the Study of the Preservation and Restoration of Cultural Property in Rome, and carries out other duties as assigned by NHPA.

The Advisory Council (www.achp.gov) regulations are found at 36CFR Part 800 and the National Register criteria at 36 CFR Part 60. (www.cr.nps.gov/linklaws).

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations, the NRCS must, in consultation with the State Historic Preservation Officer (SHPO), federally recognized American Indian tribes and their preservation officers, and other concerned consulting parties (such as the Conservation District, local government, or adjacent neighbors), determine if any of programs, practices, activities or assistance projects are likely to have an effect on significant (i.e. eligible for listing in the National Register of Historic Places) cultural or historic resources within the area of potential effect (APE). Thus, the cultural resources compliance process is a federal agency responsibility (NRCS) that must be carried-out in partnership with State, tribal and other interested parties.

The SHPO is a gubernatorial appointee that is funded by both the California State Government and the U.S. Department of Interior to maintain data bases on cultural and historic resources and consult with federal agencies regarding their programs and

projects. However, the SHPO does not have a complete list of all cultural resources within the State and, frequently, NRCS must undertake studies to determine if historic, archeological or cultural resources are present within the APE. In all cases, NRCS must make the final decisions on how to proceed and is ultimately accountable for the identification, evaluation of significant, and treatment of these resources. The State Conservationist is the responsible Federal Official. The NRCS Cultural Resources Coordinator (CRC) for the State of California is the staff person responsible for making recommendations to the State Conservationist regarding identification, evaluation and treatment of cultural resources.

Presently, the NRCS has a Programmatic Agreement (PA) with the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO). This PA provides NRCS with an efficient means for legal compliance with Section 106 of the National Historic Preservation Act. This guidance is found in the NRCS General Manual Part 420, Part 401. It sets forth the agency policy for the integration of cultural resources into project, program and conservation planning and the minimum requirements for the implementation of historic preservation legislation, executive orders, regulations, and guidelines that pertained to the consideration of cultural resources when the PA was signed in August, 1994.

The NRCS State Cultural Resources Coordinator is currently working on developing mandated consultation agreements and protocols with American Indian tribes within the State and who have interests in ancestral lands within the State.

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NATIONAL REGISTER OF HISTORIC PLACES (Federal)

This subsection includes the list of cultural resources (historic and cultural properties) listed in the National Register of Historic Places. The National Register of Historic Places is the nation's official list of cultural resources considered worthy of preservation. It is part of a national program to coordinate and support public and private efforts to evaluate and protect historic and archeological resources.

The National Register is not, however, a complete list of cultural resources. The State Register and local historical society lists also need to be consulted.

Confidentiality of information must be maintained. Any maps or other documents containing restricted information should remain in separate working files within the field office and not within the FOTG.

Information collected from other sources, such as newspapers, environmental impact statements/reports, local pamphlets and books on archeology, etc. should be referenced and noted where they are filed in the field office.

Access to the National Register of Historic Places

The National Register of Historic Places is accessed on-line by going to <http://www.cr.nps.gov/places.htm>. Scroll down through the choice menu and select the National Register Information System. The National Register Information System, or NRIS, is a database that contains information on places listed in or determined to be eligible for the National Register of Historic Places. Searchable categories that are available include:

Name – allows you to look for properties by resource name, architect/engineer, significant person, or multiple property submission names.

Location – can look for properties in a state, county or city.

Agency- allows you to look up federal properties by the agency that nominated the property, as well as properties that were formally determined eligible for listing by the Keeper of the National Register.

Theme – this search unites those National Register properties that are highlighted in various National Register Web itineraries, with Historic Places on-line lesson plans, other National Park Service web features, and the Historic American Building Survey/Historic American Engineering record (HABS/HAER) collection at the Library of Congress, with links to applicable Web sites provided.

National Historic Landmarks

National Historic Landmarks (NHL) are buildings, sites, districts, structures, and objects that have been determined by the Secretary of the Interior to be nationally significant in American history and culture. Potential Landmarks are identified primarily through theme studies undertaken by the National Park Service. The importance of potential Landmarks is evaluated by the National Park Service and the National Park System Advisory Board twice yearly at meetings open to the public. National Historic Landmarks differ from other historic properties listed in the National Register of Historic Places because they possess national significance (a national significant property is of exceptional value in representing or illustrating an important theme in the history of the Nation).

All National Historic Landmarks are included in the National Register of Historic Places.

Access to the National Historic Landmarks Register

The register of the National Historic Landmarks is accessed on-line by going to <http://www.cr.nps.gov>. In possible selection in the “I’m Looking For ...” select National Historic Places. When the National Historic Landmark screen appears scroll down and select the National Historic Landmark Database. This will allow you to search the database by name or location.

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CALIFORNIA OFFICE OF HISTORIC PRESERVATION (State Of California)

This subsection contains information on cultural resources listed by the State of California. The California Office of Historic Preservation (California SHPO) (<http://www.parks.ca.gov/>) coordinates a wide range of activities that encourages the preservation of tangible remains of our past. These include communities, neighborhoods, commercial districts, buildings, archeological sites and other historic and cultural resources. The Comprehensive Statewide Historic Preservation Plan (State Plan), *Forging a Future With a Past*, can be found on-line at <http://ohp.parks.ca.gov/programs/stateplan.htm>.

The Office of Historic Preservation (OHP) offers four different registration programs. Each is unique in the benefits offered and the procedures required for registration:

California Historical Landmarks. Historical Landmarks are sites, buildings, features or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental or other value. These can be accessed on-line at http://ceres.ca.gov/geo_area/counties/lists/landmarks_county.html.

California Points of Historical Interest. Points of Historical Interest are those sites, buildings, features or events that are of local or county-wide importance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental or other value.

California Register of Historical Resources. California Register of Historical Resources is an authoritative guide to the state's significant historical and archeological resources. The State Historical Resources Commission has designed this program for use by state and local agencies, private groups and citizens to identify, evaluate, register and protect California's historical resources.

National Register of Historic Places. The register functions as the keystone of the nationwide movement to preserve historic resources. Owners who rehabilitate income-producing National Register properties are eligible for special tax incentives. In addition, listed properties are protected by an environmental review process if a federal undertaking is involved.

Anyone may submit forms documenting a property's significance and request that the property be nominated to the National Register. OHP provides forms and guidelines, advises people preparing nominations, and presents the completed applications to the State Historical Resources Commission, the state-level review body in the nomination process. The SHPO is responsible for considering the Commission's recommendations and forwarding nominations to the United States Department of Interior in Washington, D. C., for inclusion on the National Register.

California Historical Resources Information System

The California Historical Resources Information System (CHRIS) is comprised of Information Centers located throughout the state and under contract with the OHP to manage information on the full range of historical resources (archeological and historical) identified in California.

They integrate newly recorded sites and studies into the California Historical Resources Inventory, and furnish information on known resources and surveys, including data about all four of the above registration programs, to public and private individuals and agencies who have a justifiable need to know. They also provide regional expertise for interpretation of historical resource information, including recommendations regarding the need for field examinations or additional archival research; maintain and supply a list of consultants who are qualified to do work within their area; and provide educational outreach about historical resources to a variety of local groups within their regional territories.

Information Centers provide resources information to government and individuals with responsibilities under the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA).

A fee is charged for information and assistance provided. The link to CHRIS is <http://www.chris.ca.gov>

The Information Center Procedural Manual and the proper forms to be used to record historical resources can be found on-line at <http://ohp.parks.ca.gov/chris/publicat.htm>.

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NATIVE AMERICAN HERITAGE COMMISSION

This subsection contains information on California Native American burial grounds. The Native American Heritage Commission was established in 1976. It was created because California Native Americans were demanding protection of their burial grounds from vandalism, destruction and scientific research. Many human remains were left baking in the sun by workers, as large burial mounds were uncovered during construction for housing and roads. These remains were simply ignored by the workers or collected by archeologists and amateur archeologists. Thus, the Commission was created by the Legislature and approved by the Administration in an effort to rectify some of these injustices. Under this program, California's most likely descendants have a voice in determining the treatment and disposition of Native American human remains. The right of most likely descendants to control analysis of Native American remains was affirmed by the State Appellant Court in a decision known as the "Van Horn Case."

The Mission of the Native American Heritage Commission is to provide protection to Native American burials from vandalism and inadvertent destruction, provide a procedure for the notification of most likely descendants regarding the discovery of Native American human remains and associated grave goods, bring legal action to prevent severe and irreparable damage to sacred shrines, ceremonial sites, sanctified cemeteries and place of worship on public property, and maintain an inventory of sacred places.

The Commission implements appropriate laws and enforcement responsibilities for individuals and agencies impacted by the discovery of Native American human remains. They maintain a Sacred Lands File, notify property owners who have listed sites on their property, consult with Native Americans regarding the addition of sites to the Sacred Lands File and determine the most likely descendants.

The NAHC encourages consultation because a large number of Native American human remains and associated grave goods, shrines, ceremonial sites, sanctified cemeteries and places of worship are not in the inventory of sacred lands database.

The Native American Heritage Commission web site is located at:
<http://www.cere.ca.gov/hahc>.

The NRCS CRC and State Conservationist are working on consultation protocols and agreements with tribes within the state, negotiated on a nation-to-nation basis.

Negotiation of these agreements or protocols always involves the participation and final approval of the State Conservationist as the highest federal official within the State. These agreements and/or protocols spell-out who participates in nation-to-nation consultation, when it should take place, and what programs and practices need to be addressed in the consultation.

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County Listings of known archeological sites (County)

All field offices should maintain local information on significant cultural resources. This subsection contains information on cultural resources listed by counties and local historical societies. Additional materials can include newspapers, environmental impact statements/reports, and local pamphlets and books on archeology. They should be referenced and noted where they are filed in the field office.

Any maps or other documents containing restricted information should remain in separate working files within the field office and not within the FOTG. Because of the fragile nature of archeological sites, this site data is exempt from the Freedom of Information Act (FOIA).